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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

KAREN GOLINSKI,

Plaintiff,

v.

UNITED STATES OFFICE OF PERSONNEL  
MANAGEMENT, *et al.*,

Defendants,

and

BIPARTISAN LEGAL ADVISORY GROUP  
OF THE U.S. HOUSE OF REPRESENTATIVES,

Intervenor-Defendant.

Case No. 3:10-cv-0257-JSW

**HOUSE'S REPLY TO PLAINTIFF'S RESPONSE TO HOUSE'S MOTION FOR LEAVE TO FILE SUPERSEDING OPPOSITION TO PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**

On Friday, September 30, 2011, Intervenor-Defendant the Bipartisan Legal Advisory Group of the United States House of Representatives ("House") moved for leave to file a superseding opposition to plaintiff's motion for summary judgment (July 1, 2011) (ECF No. 142). *See* House's Motion for Leave to File Superseding Opposition . . . (Sept. 30, 2011) (ECF No. 168) ("House's Motion"). The House's Motion was necessitated by the fact that (i) plaintiff filed her motion for summary judgment on July 1, 2011, before the House had taken any written discovery and while it was in the process of deposing plaintiff's five expert witnesses, and (ii) the exchange of discovery between the parties continued well into September. *See* Mem. in Supp. of House's Mot. at 2-3 (Sept. 30, 2011) (ECF No. 168-1).

Plaintiff promptly responded. *See* Pl.[']s] . . . Resp. to [House's Motion] . . . (Sept. 30, 2011) (ECF No. 169) ("Plaintiff's Response"). While much of Plaintiff's Response is devoted to

1 caterwauling about the *timing* of the House’s Motion,<sup>1</sup> the gist of the Plaintiff’s Response is that  
 2 she now *consents* to the relief that the House seeks because she is “anxious to have this matter  
 3 proceed to a merits determination.” *See* Plaintiff’s Response at 2. We are also interested in  
 4 having this case expeditiously resolved on its merits.

5 However, plaintiff’s proposal for how this matter should now proceed—that the House  
 6 file its superseding opposition by October 11 (eight days from now and the day after a national  
 7 holiday); that plaintiff then be permitted to file a superseding opposition by November 1  
 8 (apparently in order to obtain “rebuttal testimony” from experts who should have said everything  
 9 they had to say in affidavits filed in support of plaintiff’s summary judgment motion); and that  
 10 the hearing on both plaintiff’s motion for summary judgment *and* the House’s motion to dismiss  
 11 plaintiff’s second amended complaint (June 3, 2011) (ECF No. 119), be rescheduled to  
 12 December 16, 2011—actually would have the effect of delaying the ultimate resolution of this  
 13 matter.

14 Accordingly, in lieu of plaintiff’s proposal, we respectfully suggest that this matter now  
 15 proceed as follows:

16 \_\_\_\_\_  
 17 <sup>1</sup> Plaintiff does not, because she cannot, deny that discovery has continued in this matter  
 throughout the month of September, and that the House promptly filed the House’s motion at the  
 conclusion of that process. Instead, she resorts to saying silly things like this:

- 18 ■ The House has had the plaintiff’s motion for summary judgment “for over three  
 19 months.” Plaintiff’s Response at 1. That, of course, is true but utterly irrelevant;
- 20 ■ Plaintiff “suspects,” based on what she has read in other pleadings the House has  
 21 filed in other cases, that the House may not utilize information it obtained from  
 22 every aspect of the discovery that was exchanged in this case. *Id.* Plaintiff’s  
 23 “suspicions” are not particularly pertinent here and, in any event, it is entirely  
 appropriate and a matter of regular order for the discovery process to be complete  
*before* the House sought leave to file a superseding opposition. Indeed, had  
 plaintiff not acted so rashly in rushing to file her motion for summary judgment  
*before* discovery was complete, the need for the House to seek leave to file a  
 superseding opposition never would have arisen in the first place.

October 3, 2011